Extract

See

G. R. S. IX-5]

Previous references. 1884-85 Secret
192
(Medical

File No. 4 – 84

Serial Nos 1–6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6

Part B for April 96

SUBJECT.

Contribution paid to British Government on account of Doctor McGann's pension and leave allowances

---

From- Secretary to Govt

No: 1460 dy 2.4.96.

Cl 6. Intimating the views of Govt of India on the above

Secretary

WD 1888—GPB—16,826—23-7-21

(General Serial No. 30.)

188[illegible]

From Mysore

The Secretary to the Dewan of Mysore.

To

The Comptroller.

Dated 9th Feby

Despatched —

Received

Enclosures No.

General No. 6309

No. 489.

Enquires upon what amount ~~pensionary~~ contribution was calculated in the case of Dr. McGauley ~~the~~ his pay was consolidated 685 and upon what amount it is now being paid — ~~His~~ As his pay per is being Rs 850 the contribution is payable on that amount and not also upon the local allowances he draws.

and as the British Govt will pay his pension & leave allowance upon this amount

from the 1/4/85

Yrs
Secy.

1/5/1885

No 3434

2

2

Mysl 2-84-2

To

The Secretary to the Dewan
of Mysore.

Sir,

In reply to your No 6309/489 of the 9th Instant, I have the honor to state that the contribution on account of pension and leave allowances for Dr Melgaum like that of other British Officers, is calculated upon his Imperial Pay of Rs 850/- only.

I have the honor to be,
Sir,
Your most obedient servant,
[illegible]
Comptroller

PP

1885

7323

From

The Comptroller to the
Government of Mysore

To

The Secretary to the Dewan
of Mysore

Dated 10
Dispatched
Received 1 February

No 3434.

States that the contribution
for pension &c of Dr Inglis
is calculated upon his Imperial
pay of Rs 850/-

2 ~~Put up reference~~ Lovely.
Submit for information
with reference received
from camp the other day.
CR 10-2 85

3

14638.
G5421

Gen. 30.]

1894/95

From Asst. Resident in Mysore

To

The Chief Secretary to the
Govt. of Mysore.

Dated 1st January 1895

Despatched

Received

Enclosure No.

General No. 1465
No. 270-56

Regarding contribution for pension paid by Brigade Surgeon Colin McLean & Benson

Subject to Decision
The Files are in D.H.O.
1/5

References to be marked.

No: 799 4/5/95

Since (from Camp
Copy of the above
of Dr McLean & Benson
as mentioned in the Conclusion
have been
Afterwards shown on the
file in Each Case with the B.
Service Regs.

3/5/95

4 Dy No 151

4

No. 1465
270/86

(3)

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 1st May 1895

SIR,

I am directed to revert to correspondence regar-
ing Brigade Surgeon Colonels Mc Gann and Benso
namely as regards the former officer your note da
September 11th 1894 paragraph 5, "the contribution now
paid is 175 Rs a month"; as under the arrangement
proposed the liability of the British Government a
regards pension and leave allowances would rem
unaltered, I beg that the amount of contribution to
may be allowed to remain"; and as regards the
latter officer your letter 2043 dated May 25th 1894
"Contribution for pension is now paid at the old rat
under rule (2) article 810 (a) Civil Service Regulat
The contribution appears to be Rs 141-10-8 according

× D.O. Paper No 10. Sub file No 9 regd increase of pay to Dr Mc Gann

× Paper No 11. Sub file No 6 regd increase of pay to Dr Benson

though under Government of India's letter 1385G
dated August 27th 1894 Surgeon Lieutenant Colonel
Benson's pay is Rs 1050, his contribution for pension
and leave is based on the old Rs 850/-; and the
pay of Lieutenant Colonel McGann being, as implied
in Foreign office 1978G dated December 11th 1894 Rs 1650/-,
that officer contributes on 1050 Rupees only, leave allow-
ances are therefore payable to Doctor Benson on only
850, and to Doctor McGann on Rs 1050, and although
the correspondence indicates a general belief that the
pensions of these officers are not affected by these contri-
butions, in the opinion of the present Resident that
belief is one which should not be accepted without a
formal reference to the Accountant General.

Civil Service Regulations 810 allowed the old
rates to operate viz 1/7 of gross salary in case of officers
transferred before January 7th 1889, until the new rates
were applied, and Sub clause (2) expressly laid down
that when the new rates are not applied the increases
subsequently granted should not be reckoned "for
any purpose of leave allowance or pension". In
all other native states with which the Resident is familiar
the new rates have invariably been paid for Lent officers,

and looking to articles 826 to 834 to which the attentio
of Asst officers is specially called, the Resident
requests that a copy of this letter may be furnish
=ed to the two officers named in order that they ma
submit any representation regarding their interes
which they may think fit.

I have the honor to be

Sir,

your most Obedient Serva

H.V. Cobb.
30.4
First Assistant Resident.

Mer Sr-84-47

Gen. Serial No. 30.]

1895

From

To

The Chief Secretary to the
Dewan of Mysore.

Dated

Despatched

Received

Enclosures No.

General No.
No.

In reply to No 79 of 4th instant

SUBJECT.

Requesting the Durbar to reconsider the question of increase to the present pay of the Senr Surgeon and Sanitary Commr Mysore and for transmitting Gazette.

References (to be entered only in the Dewan's Office.)

No 5-88

Office of Senior Surgeon and S. Gen.
Camp Cotacamund 9th May 1895

(24)

To

The Chief Secretary to the
Dewan of Mysore.
Camp Cotacamund

Sir,

With reference to your Memo No 79 J
4th instant forwarding Copy of letter of Assistant Resident No 1465/270.86 J 1st May 1895, I have the honor to request that my allowance for leave may be calculated on my present salary of Rs 1700/- and in consequence that the Contribution should be raised accordingly if such be necessary.

2. I would also request that if there is any doubt regarding my full pension being earned by me notwithstanding the present Contribution the doubt may be set at rest.

3. And finally I would request that the Government of India may again be asked to accord sanction to the increase of Rs 150/- to my salary and Consolidation of pay and allowances

amounting

4

amounting in all to Rs 1850/- per mensem recently recommended by the Durbar with Corresponding rights when on leave.

4. My duties both Executive and Administrative during the last seven years, since I got an increase of Rs 200/- per mensem in Consequence of my having completed 20 years service, have increased very much, especially the adminis-trative, on account of the increasing number of Medical institutions throughout the state, the extension improvement and to a Considerable extent the reorganization of the sanitary and Vaccination departments, the training and supplying of midwives to the different talaks and Miscellaneous duties Connected with the administration which it is not necessary or perhaps easy to specify.

5. Under these circumstances I would respectfully state that I Consider I am entitled to an increase to my present emo-luments and request that the Durbar may be pleased to reconsider the question of increase, and recommend that Rs 300/- may be granted to me instead of Rs 150/-, which, exclusive of the allowances for the executive Charges which I hold at Bangalore, would leave me a fair

remuneration

remuneration for the administrative medical Charge of the state.

6. The fact of my pay proper which is reckoned as that of a Civil Surgeon, which I practically ceased to be ten years ago, and my allowance not having been Consolidated has been productive of Great hardship to me by preventing me taking furlough to recruit my health after a prolonged residence in India and more especially when I sadly wanted it within the last 18 months in Consequence of a severe illness.

7. I was for this reason unable to take furlough eighteen months ago and had to run a Grave risk to health and life as the furlough allowance to which I was and am entitled was insufficient to keep me at home and Educate my Children.

8. I completed 28 years service, from date of Commission, on the 1st of last month, and have had only about one year and eleven months furlough during that time.

I have the honor to be

Sir

Your most obedient Servant

[signature]

Surgeon and Santy Comr
with the Post of Mysore

Med 2-84-5 11

No. 10 dated, Bangalore. 16th July 1895

Dept. 19

5

To,

The Resident in Mysore

Sir,

In reply to your Office letter no 1465/270-86 dated 1st May 1895, I have the honor to state that a copy of the same was duly communicated to Brigade Surgeon Lt. Col. J. J. McGann and Surgon Lt Col. F. H. Benson. I beg to forward herewith — copies of the replies —

Item numbers are not.

12

received from the Secretary as noted in the margin.*

2. I beg to take this opportunity to offer on behalf of the Durbar the following observations on the question raised in the letter under acknowledgment.

3. Brigade Surgeon Lt. Col. McGann's British Salary is Rs. 1,050 per mensem. His Mysore Salary (exclusive of a House rent of Rs. 110) is Rs. 1,700 a

* Letter No. 588 dd 9th May '95 from Brigade Surgeon Lt-Col. T. J. McGann
656 dd 17th May '95 from Surgeon Lt-Col P. H. Benson.

month. Though Rs. 650
of the Mysore Salary
is regarded as allow-
ances for Various ad-
ministrative charges,
yet it is intended to be
an integral portion
of the Salary which
the Durbar pays him
for the duties of "Senior
Surgeon".

4. Similarly
Surgeon Lt. Col. Benson's
British pay is Rs. 1,050,
but he gets from the
Durbar an actual
salary of Rs. 1,050 + 300,
or Rs. 1,350

5. The Contribution on account of either of these officers is not governed by articles 808 and 809 of the British Civil Service Regulations, but is allowed to remain at the rate at which it stood before 1st January 1889 under the authority of article 810 (a). The Contribution paid is calculated as follows:—

Brigade Surgeon,
Lt. Col. McGann.

Gross

Gross Salary - Rs. 1,225

Contribution at
1/7th of Gross
Salary under
9 (a) (B) of the
repealed Civil
Pension Code of
1894 ——— 175

Net Salary being that of his grade in the British medical Service - } Rs. 1,050.

Surgeon Lt. Col. Benson.

Old gross Salary - 991 . 10. 8.
Contribution — 141 . 10. 8.

Net. Rs. 850 -"-"

※ Note - Contribation on present British Salary neh Rs. 1050 is not paid owing to Residency letter dated 6th September 1894.

6. The rate of

Contribution as altered

by the Government of India Resolution of 7th January 1889, is much heavier and I submit that in the case of these officers whose service has been almost entirely in Mysore, the old rate of contribution may be allowed to continue to remain in force, without however prejudicing them in any way as regards their pensions or leave allowances -

7. (a) The rate of pension in either case is not regulated by the amount of the officer's salary or the contribution he pays but by his rank in the British Service and by rules quite outside the contribution rules.

(b) The rate of pension claimable by him has not been changed since 7th January 1889 and there cannot be any ground on the score of such

a change for an alter-
ation of his contri-
bution

(c) I submit that
it would be reason-
able to construe arti-
cle 810, clause (a) (2)
of the Civil Service
Regulations, as if
there were added at
the end of it after
the word "pension"
the following words
"where such pension
is reckonable on the
amount of contribu-
tion paid". I confess
I do not understand

how in any case a pension is reckonable on contribution paid on assumed Salary as defined in article 808(a), though a pension which is calculated on Salary may be reasonably regulated by the amount of Contribution paid at a specified fraction of the Salary as under article 9(b) of the old Civil Pension Code.

(d) If we may assume, as seems

reasonable, that the sanctioned rates for a Medical Officer's pension have been fixed with some reference to sanctioned grades of Salary in the British Service, we may also further assume that the obligation of the British Government to pay the sanctioned rate of pension would arise as a return for the contribution of $\frac{1}{17}$th of Gross Salary paid

in accordance with article 9 (a) of the Civil Pension Code; where the net Salary ($\frac{6}{7}^{ths}$) is the full British Salary of the officer's grade.

8. Under this view of the contribution in so far as it affects the pension I would beg to be permitted to pay on account of Surgeon Lt. Col. Benson a contribution of Rs. 175/- calculated on the

CG✓

British Salary* of Rs. 1,050 to which he has been promoted, under the rule in article 9 (a) of the old Civil Pension Code. The Contribution now paid is Rs. 141-10-8 calculated upon his previous Salary of Rs. 850, the increase of contribution now proposed being held in abeyance in accordance with the instructions conveyed in your office no. 3100/729-87 dated ~

* His Mysore Salary is Rs. 1,050 + 300 = 1,350

6th September 1894

9. Referring next to the question of Leave allowances, I beg to observe that these allowances, unlike the pension rate depend upon actual Salary drawn. But unfortunately the Contribution prescribed is in respect of both pension and leave allowance — Combined, and as there is no means of ascertaining what proportion of the

contribution is reckonable for the purpose of pension and what for that of leave allowances, I beg to be permitted to submit the following proposal :—

(a) That the contribution be in the case of either officer $\frac{1}{6}^{th}$ of the British Salary of Rs. 1,050, equal to $\frac{1}{7}^{th}$ of the gross Salary paid by the Durbar under article 9 (a) of the old Civil Pension Code—

(b) That the contribution as above entitle the officer to a full British Pension under the Rules of the Indian Medical Service as also to leave allowances (other than for privilege leave) calculated on a Salary of Rs. 1,050.

(c) That leave allowances (for other than privilege leave) calculated upon the difference between

British and Mysore Salaries be allowed to be paid by the Durbar, subject to any maximum applicable by the rules of the British Service.

8 (d) That privilege leave allowances on full mysore Salaries be paid by the Durbar.

10. I base the above proposal upon the ground that under it there will be no addition

whatever to the
liability of the Bri-
tish Government in
respect of either pen-
sion or leave allow-
ance - The officers
Concerned will however
get the benefit of an
increased leave al-
lowance which they
so highly deserve,
but the increase
will be paid by
the Dunbar and
not the British
Government. The
Dunbar believe
that the Payments

of such increase

of leave allowance

would be less onerous

than the payment

of a contribution

on assumed pay

under article 809(a).

Moreover contribution

on assumed pay

if paid will not

materially help these officers to get an increased leave

allowance, as they

have not many

more years to put

in for their pension.

Take the case of

Dr McGann - He

will be entitled to

retire in June 1897.
Suppose we pay
contribution for
him from now on
assumed pay and
he takes furlough (which
he wants badly) six
months hence, the
furlough allowance
to which he will then
be entitled will be
one-half of 3 years
average Salary (ar-
ticles 18 and 346)
and under article
835 this will be
the average of 2½
years of Rs. 1,050

and 6 months of the
assumed pay, Rs.
Rs. 1,650. He will
be retiring before
he can put in
3 more years' service
and is therefore un-
able, by means of
a contribution on
assumed pay in
those three years,
to earn a furlough
allowance of half
his assumed pay.
If I am wrong in
this ~~case~~ calculation and if
by paying contribu-
tion on assumed

pay, as leave al-
lowance during the
furlough he has al-
ready earned, the
Durbar will at once
pay contribution
for him on his as-
sumed pay -

11. Apart from
the above considera-
tions I would sub-
mit my proposals
in para 9 above
for the favorable
consideration of the
British Government,
as the case of the
two officers in question

is one of a Very exceptional character such as could not have been under consideration when the Civil Service Regulations were framed. They were employed in the State when under the British Administration and they have spent nearly the whole of their Service in Mysore. The Government of India Kindly waived* contribution on

* Vide correspondence ending with Residency letter no. 2235/372 dated 9th February 1885.

account of them (as
of other British
Officers) employed in
Mysore up to 30th Sep-
tember 1882, the Con-
tribution for their
subsequent Service
being fixed at $\frac{1}{7}^{th}$
of Gross Salary. The
Case is thus one of
a permanent trans-
fer to Foreign Service,
resulting from the
fact of the Rendition
and partaking more
of the character of
a process of transi-
tion and continuation

than that of a special loan contemplated in article 805 of the Civil Service Regulations.

To meet this case, I beg that the British Government may be pleased to add some rule of Exemption (in the terms of para 9 above) to Article 817 of the Civil Service Regulations -

12 In conclusion I beg to add that the exchange —

Compensation of

these and other lenk

officers is paid upon

actual (that is

Mysore) Salary in

accordance with

the Views contained

in Residency letter

No. $\frac{2418}{384-93}$ dated 20th

July 1894 and on the

authority of the ~

sanction of the ~

Government of India

Conveyed in Residency

letter No. $\frac{3835}{384-93}$ dated

13th November 1894.

My present proposal

is only for a further

application of the same principle so as to give the Officers under reference full leave allowances calculated upon their actual Mysore Salaries, the excess of allowance due to the difference between Mysore Salaries and British Salaries being paid by the State -

I have &c.

16.7.95.

Dewan.

22/4/96 2P 6

No. 460 ~~604~~ 37

From Resd 2-4-96

THE FIRST ~~ASSISTANT~~ TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 21st April 1896.

Sir,

In reply to your letter No. ~~10~~ X dated the 16th July 1895, I am directed to state that in view of the wishes of the Durbar therein expressed, the Government of India has ordered that the contribution towards the pension and leave allowances of Surgeon Lieutenant Colonel P. Benson may continue as at present; but that the Durbar will be permitted to grant t when on furlough, a sum from Mysore revenu sufficient to raise his absentee allowances fro Imperial revenues to an amount equal to hi the average salary which he may have recei in Mysore during the three years preceding

leave but subject to the maximum to which would be restricted in British Service by article 6 of the Civil Service Regulations.

In view of the decision communicated in our telegram of the 9th instant in reply to the sident's telegram, the Government of India is stated that no orders are required in the se of Surgeon Colonel J. J. McGann.

I have the honor to be

Sir,

Your most Obedient Servant

K. A. Erskine Captain,

First Assistant Resident.

Kl.

N° 1283 dy. the 8th idem,

The Resident has seen Resident's letter and copy of memo: to Dr Benson & to the Commissioner of

12/6/96

No. 16

leave but subject to the maximum to which would be restricted in British Service by article 46 of the Civil Service Regulations.

In view of the decision communicated in our telegram of the 9th instant in reply to the ~~o~~ sident's telegram, the Government of India as stated that no orders are required in the se of Surgeon Colonel I.J. McGann.

~~o~~ No 1283 dy. the 8th idem.

I have the honor to be

Sir,

your most Obedient Servant

K. A. Erskine Captain,

First Assistant Resident.

AE.

The relevant has been
Resi - Send a ~~copy~~ extract
of para 1 to Dr
Benson & to the
Comptroller &

12/6 196
76